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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,757	12/21/2001	Lee E. Cannon	4978US (01-01-029)	2583

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EXAMINER

MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,757

Applicant(s)

CANNON, LEE E.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 and 20-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (USPN 6,413,160) in view of Walker (USPN 6,394,899).

Vancura, in col. 1:59-67 and col. 2:1-67, discloses a method of conducting a game of chance comprising configuring a bonus game for play by a plurality of players, wherein a final outcome in the bonus game is determined at least partially by at least one of skill, strategy and the knowledge of at least one player. Vancura, in col. 2:1-67, discloses awarding the bonus to a player achieving the final outcome. Vancura, in col. 2:1-67, discloses the bonus game with at least one qualified player and playing the bonus game to the final winning outcome, wherein the winning final outcome in the bonus game is determined at least partially by at least one of skill, strategy and knowledge of the at least one qualified player. Vancura, in col. 2:1-67 and col. 3:1-67, discloses the play of the bonus game is associated with play of the primary game, wherein play of the bonus game is at least partially enabled by at least achieving at least one specific outcome during play of the primary game. Vancura, in col. 3:1-67 and col. 4:1-67, discloses one event that enables play of the bonus game is calculated to maintain a net return of the house and configuring the bonus game so that a net return of the house in the primary game is independent of the at least one of skill, strategy and knowledge. Vancura, in col. 3:1-67, col. 4:1-67 and col.

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5:1-67, discloses adding fixed number of credits for each qualified entry in a round of bonus game play, choosing one of the plurality of bonus games. Vancura, in col. 3:1-67 col. 4:1-67, col. 5:1-67 and col. 6:1-67, discloses the bonus game is a physical and electronic embodiment. Vancura, in col. 3:1-67 col. 4:1-67, col. 5:1-67 and col. 6:1-67, discloses the bonus game is a trivia game and the final winning outcome is determined by at least one qualified play correctly answering at least one questioned posed in the bonus game. Vancura, in col. 3:1-67 col. 4:1-67, col. 5:1-67 and col. 6:1-67, discloses awarding a bonus to one winning player and the difficulty of at least one question is determined by a status in the bonus game.

However, Vancura lacks in disclosing a network of gaming machines, winning a bonus pool or partially dividing the bonus pool between qualified winning players and enabling players to play in a team. Walker, in an analogous invention, teaches, in col. 6:26-48, disclosing a network of gaming machines, winning a bonus pool or partially dividing the bonus pool between qualified winning players and enabling players to play in a team. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Walker into the disclosed invention of Vancura. One would be motivated to combine the teachings of Walker with the disclosed invention of Vancura in order to increase the sense of competition between game players and heighten the overall excitement of the game.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (USPN 6,413,160) in view of Walker (USPN 6,394,899) in further view of OFFICAL NOTICE.

The disclosures of Vancura and Walker have been discussed above and are, therefore, incorporated herein. Vancura and Walker do not disclose a phrase-guessing game or a maze

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game. OFFICIAL NOTICE has been taken that is common within the art to use phrase-guessing games and maze games to entertain game players. Phrase-guessing games such as Wheel of Fortune and Hang-Man are common within the art. Also maze games such as Gauntlet and Zelda are common within the art. One having ordinary skill in the art would have found it obvious to implement a phrase-guessing game and maze game into a bonus game, in view of OFFICIAL NOTICE, in order to diversify the bonus games offered by the gaming machine and increase the excitement of the overall game to attract game players.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327. The USPTO official fax number is (703) 872-9306.

RM

RM
February 9, 2004


Teresa Walberg
Supervisory Patent Examiner
Group 3700